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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SANDRA BAXTER,

Plaintiff

v.

CREDIT CONSULTING SERVICES,
INC; et al,

Defendants

) Case No.: 5:08-CV-02532-RS

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) **JOINT RULE 26(f) REPORT**

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) CMC: September 10, 2008

) Time: 2:30 p.m.

) Dept.: 4

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The Honorable Richard Seeborg

The parties in the above action jointly submit this Rule 26(f) report and Proposed
Discovery Plan:

1. JURISDICTION AND SERVICE

Jurisdiction of this Court arises under 15 U.S.C. §1692k(d) and 28 U.S.C. §1337.
Plaintiff served Defendant Herendeen & Bryon on June 10, 2008. Defendant Credit
Consulting Services executed a waiver of service form on June 20, 2008. Both Defendants
have filed an answer to the complaint.

2. FACTSPlaintiff:

Plaintiff alleges that Defendants violated numerous provisions of the federal Fair Debt Collection Practices Act ("FDCPA"), and the California Rosenthal Act in its attempts to collect a consumer debt from Plaintiff. Plaintiff alleges, inter alia, that Defendants sued Plaintiff to collect a hospital debt that it knew or should have known did not belong to her. Plaintiff is entitled to statutory damages, actual damages, attorneys fees and costs under the Rosenthal Act and the FDCPA.

Defendants:

Defendants deny Plaintiff's allegations and contests Plaintiff's damage claims.

3. LEGAL ISSUES

See above.

4. MOTIONS

There are no motions pending. Both Plaintiff and Defendants may file a motion for summary judgment.

5. AMENDMENT OF PLEADINGS

Plaintiff does not anticipate amending the pleadings.

6. EVIDENCE PRESERVATION

The parties will preserve all relevant evidence in their custody and control.

7. DISCLOSURES

The parties will exchange by September 12, 2008, the information required by Fed. R. Civ. P. 26(a)(1).

8. DISCOVERY

(a) Plaintiff's discovery will be directed toward the underlying debts in the Action and all attempts made by Defendant to collect those debts, including but not limited to all reports made by Defendants to credit reporting agencies. Plaintiff's discovery will also be directed toward the employee training program, and employee supervision practices of Defendants. Plaintiff will also conduct discovery into Defendants' affirmative defenses.

(b) Defendants' discovery will be directed toward Plaintiff's allegations, damages and affirmative defenses.

(c) Discovery will proceed according to the Federal Rules of Civil Procedure and is not to be conducted in phases or otherwise limited.

(d) Requests and responses to interrogatories shall be governed by Fed. R. Civ. P. 33

(e) Requests for Admission shall be governed by Fed. R. Civ. P. 36.

(f) Plaintiff anticipates taking PMK depositions of both Defendants. Defendant anticipates taking Plaintiff's deposition.

9. CLASS ACTIONS

N/A

10. RELATED CASES

There is a state court collection action pending on the underlying debts.

11. RELIEF

Plaintiff seeks statutory damages, actual damages, attorneys fees and costs under the Rosenthal Act and the FDCPA.

12. SETTLEMENT AND ADR

The parties agree to use the court's mediation services.

13. CONSENT TO A MAGISTRATE JUDGE FOR ALL PURPOSES

Plaintiff consents to a magistrate judge. The Defendants do not consent to a magistrate judge for all purposes.

14. OTHER REFERENCES

N/A

15. NARROWING OF ISSUES

N/A

16. EXPEDITED SCHEDULE

N/A

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17. SCHEDULING

(a) Experts shall be disclosed by December 31, 2009.

(b) Discovery shall be completed by March 31, 2009.

(c) Dispositive motions shall be heard by April 30, 2009.

(d) Pre-trial conference shall occur on June 1, 2009.

(e) Trial shall commence on June 22, 2009.

(f) Defendants request that this case be stayed until the resolution of the underlying collection action. Plaintiff has sued CCS and its attorney for conduct related to the underlying case. Defendants believe that the resolution of the underlying case may affect the outcome and claims in this case. Further, by suing CCS' attorney for prosecuting the underlying case, a potential conflict has arisen and issues of attorney-client privilege and attorney work-product will necessarily be implicated in the discovery proceedings in this action. For these reasons, Defendants request that the instant federal action be stayed under the underlying collection action is resolved. Plaintiff opposes such a request.

18. TRIAL

Plaintiff requested a jury trial and estimates the trial will take three days.

19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS

Plaintiff does not know of any non-party interested entities or persons.

20. OTHER MATTERS

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2 Date: Aug. 27, 2008

LAW OFFICES OF ERIC F. FAGAN

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4 _____s/ Jeremy S. Golden_____

5 Jeremy S. Golden

6 Attorney for Plaintiff

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8 Date: Aug. 27, 2008

9 ELLIS, COLEMAN, POIRIER, LAVOIE, &
10 STEINHEIMER, LLP

11 _____s/ Andrew Steinheimer_____

12 Andrew Steinheimer

13 Attorney for Defendants
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